

REMARKS

Reconsideration is respectfully requested of the rejection of claims 1-11 and 21-23 under 35 USC §112, second paragraph. In light of the examiner's comment, claims 1, 5 and 6 have been amended to refer to a "volume of fluid containing red blood cells and of about 30-64 hematocrit." Thus, the reference is to a separated volume having the red blood cells, the volume being of about 30-64 hematocrit. It is believed that the claims are now correct.

Reconsideration is respectfully requested of the rejection of claims 1-11 and 21-23 under 35 USC §112, first paragraph on the grounds that there is no support for a "sterile" washing fluid. While it is believed that one of ordinary skill in the art would surely have recognized that washing fluids for blood to be returned to a patient must be sterile, it does appear that this word is not expressed in the specification. It is submitted, however, that such has no bearing on the patentability of the method claimed herein.

Reconsideration of the rejection of claims 1-11 and 21-23 under 35 USC §103 as unpatentable over the art of record is respectfully requested. The cited references would not have led one of ordinary skill in the art to the claimed invention. Instead, they reflect the state of this art, which was completely ignorant of differences between the anticoagulants. The '318 patent clearly uses centrifugation, and the '199 patent teaches ACD. Further it is submitted that it is improper to combine these references because a key feature of the process disclosed in the '199 patent is the removal of plasma by centrifugation and the suspending of red blood cells and leukocytes in saline. See the '199 patent at column 7, lines 38+ where it is taught that the sedimentation times are "extremely long" in the processes that do not remove the plasma.

In contrast, applicants have discovered that the sedimentation times of fluids can be reduced to practical periods of time by the use of inert anticoagulants, even if the plasma remains

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as a part of the fluid. The references of record simply would not have suggested this to one of ordinary skill in the art.

Accordingly, it is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned if any matter remains outstanding.

All necessary extensions of time are requested. Enclosed is a check in the amount of \$860 to cover the costs of an three-month extension of time and the RCE fee. Please charge any necessary fees and credit any excess to deposit account 50-1088.

Respectfully Submitted,
CLARK & BRODY

A handwritten signature in cursive script, appearing to read "Conrad Clark".

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